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1952.

File No. Lotteries II
52 (R)

Legal Department.

B. **BRANCH**

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Subject:—

Scrutiny of rules under

the Bombay Lotteries and

Prize Competitions Control

and Tax Act, 1948.

P3/E

File No. Lotteries II/52 (R)

Gen. 194 e.

281-B.

Legal Department.

A revised draft of the Bombay Lotteries and Prize Competitions Control and Tax Rules is sent herewith.

2. Section 3 of the Bombay Lotteries and Prize Competitions Control and Tax Act, 1942, as proposed to be amended by clause 3 of the amending Bill provides that subject to the provisions of the Act, all lotteries and prize competitions are unlawful. Section 7 of the said Act provides that a prize competition shall be deemed to be unlawful competition unless a licence in respect of such competition has been obtained by the promoter thereof. Section 9 provides that every licence granted under the Act shall be granted on payment of such fees and subject to such conditions and shallbe in such form as may be prescribed. Clause (d)(i) of section 2(1), as amended, would include all prize competitions whether contained in a newspaper printed and published inside oroutside the State of Bombay. If, therefore, any prize competition contained in a newspaper which is printed and published outside the State does not comply with the conditions 1 to 3 of the proposed licence form H in the revised draft it will be competent to the licensing authority to ~~xxx~~ refuse licence to the promoters of such competitions. The view expressed by the H.D. in this behalf is correct.

3. Rule 4 of the revised draft provides inter alia that every licence under section 5, 6 or 7 shall be subject to the conditions and restrictions therein specified and all the provisions of the Act and the Rules. Each of the licences in forms E, F, G and H also provides that they are granted subject to the provisions of the Lotteries and Prize Competitions Control and Tax Act and the rules made thereunder. In view of this provision it is not necessary to have

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separate forms of declaration as proposed by the Collector on pp.13 to 17 C/S. ~~Xx~~ The view expressed by H.D. in para 3 of its note on page B ante is correct.

Id/-J.R.D. 18/11.
Additional Secretary to Government.

U.R. to H.D., No. 19257/B, dated the 18th November 1952.

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Legal Department.

As pointed out by the Additional Secretary in para 2 of his opinion No.19257 dated the 18th November 1952 on p. 9 ante, if any prize competition contained in a newspaper which is printed and published outside the State of Bombay does not comply with conditions 1 to 3 of the licence form H, it will be competent to the licensing authority to refuse licence to the promoter of such competitions. It will, therefore, follow that in order to secure a licence inForm H, every prize competition contained in a newspaper printed and published outside the State will have to conform to the said conditions, for the purpose of promoting such competition in this State. No prize competition can, therefore, be promoted in this State by offering in respect thereof prizes of the total value exceeding Rs.30,000/- and no licensee of such prize competition can entertain more than 8 entries from a competitor in the State of Bombay. The view expressed by Secretary, H.D. in the margin on p. 22 ante is, therefore, correct.

Id/-J.R.D. 3/1
Additional Secretary to Government.

U.R. to H.D. No. 187/B dated the 5th January 1953.

BKS.
3/7/
4c.